

Qualification; cemetery for pets. An organization that owns, operates, and maintains a cemetery for pets does not qualify for exemption under section 501(c)(13) of the Code.

An organization was formed and is operated for the purpose of owning, operating, and maintaining a cemetery for pets.

Section 501(c)(13) of the Internal Revenue Code of 1954 provides for the exemption from Federal income tax of cemetery companies owned and operated exclusively for the benefit of their members or which are not operated for profit; and of any corporation chartered solely for the purpose of the disposal of bodies by burial or cremation which is not permitted by its charter to engage in any business not necessarily incident to that purpose, no part of the net earnings of which inures to the benefit of any private shareholder or individual. Legislative history clearly supports the conclusion that the term 'cemetery' is used in the statute in its commonly understood sense and that the exemption applies only to organizations for the burial or cremation of the remains of human bodies. See, for example, 50 Cong.Rev. 1239 (1913), 61 Cong.Rec. 7489, 67th Cong.1st Sess. (1921), H.R. Rep. No. 1113, 91st Cong.2d Sess. 2 (1970), S. Rep. No. 1470, 91st Cong.2d Sess. 1 (1970).

Held, the instant organization, which owns and operates a cemetery for pets, does not qualify for exemption from Federal income tax under section 501(c)(13) of the Code.